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7 **UNITED STATES DISTRICT COURT**
8 **NORTHERN DISTRICT OF CALIFORNIA**

9 JEFFERY R. WERNER,

10 Plaintiff,

11 v.

12 PRICEONOMICS, INC.; and DOES 1
13 through 10 inclusive,

14 Defendants.

Case No. 4:20-cv-04006-HSG

CONSENT JUDGMENT

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16 **CONSENT JUDGMENT**

17 This matter comes before the Court on the joint motion of the parties for
18 entry of final judgment with respect to all pending claims. The Court being advised
19 that all claims and other matters in this action have been fully, finally, and
20 completely resolved and settled subject to the provisions hereof, IT IS HEREBY
21 STIPULATED AND AGREED by the parties hereto through their respective
22 counsel as follows:

23 1. This Court has jurisdiction over the parties to this action and over the
24 subject matter.

25 2. Plaintiff Jeffery R. Werner is the owner of all right, title, and interest to the
26 photograph referred to in this action as the Snuggery Image (attached as Exhibit A)
27 which is registered under U.S. Copyright Registration Certificate No. VAu 1-119-
28 467.

1 3. Defendant Priceonomics, Inc. displayed the Snuggery Image without
2 authorization in an article on the Priceonomics, Inc. website titled titled “Inside the
3 World of For-Profit Snuggling” which is attached as Exhibit B.

4 4. Defendant Priceonomics, Inc. displayed the Snuggery Image without
5 authorization for approximately 40 months.

6 5. Pursuant to the estimated license fee provided by the industry standard
7 software fotoQuote, Werner’s lost license fee for the Snuggery Image would be
8 \$667 per month for a total lost license fee of \$26,680.

9 6. Pursuant to the methodology set forth in the case *Werner v. Evolve Media,*
10 *LLC*, 2020 WL 4012784 (C.D. Cal., 2020) the parties agree that a 3x multiplier is
11 appropriate.

12 WHEREFORE, Defendant Priceonomics, Inc. hereby consents to a monetary
13 judgment in favor of Plaintiff Jeffery R. Werner in the amount of \$80,040.00 with
14 both parties to bear their own costs and fees.

15 IT IS SO ORDERED.

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18 Date: 8/4/2021



19 Hon. Haywood S. Gilliam, Jr.

20 United States District Judge
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